


Application **GRANTED**. The initial pretrial conference scheduled for January 22, 2025, is **ADJOURNED to February 25, 2025, at 3:00 P.M.** The conference will be held IN PERSON at the Thurgood Marshall United States Courthouse, Southern District of New York, 40 Foley Square, New York, New York at Room 1106 before Judge Lorna G. Schofield. If lead counsel for any party is located outside of New York City or would experience a hardship from an in-person appearance and would prefer to appear remotely, they should notify the Court immediately by filing a letter on the docket so that arrangements can be made. The deadline to file the joint letter and proposed case management plan is extended to **February 18, 2025**. So Ordered.

Dated: January 14, 2025
New York, New York

Hon. Lorna G. Schofield
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007



LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE

Re: *SEC v. Kushner, et al.*, 24-cv-8900
Request to Adjourn Initial Pretrial Conference and Deadline to File
Corresponding Joint Letter and Proposed Case Management Plan

Dear Judge Schofield:

Pursuant to Section I.B.3 of the Court's Individual Rules and Procedures for Civil Cases, Plaintiff Securities and Exchange Commission (the "Commission") and Defendants David Kushner ("Kushner") and La Mancha Funding Corp. (the "Defendants") (collectively, "the parties") respectfully submit this joint letter to request that the Initial Pretrial Conference in the above-referenced civil action, currently scheduled for January 22, 2025, be adjourned to February 21, 2025, or a later date convenient to the Court. The parties also request that the deadline to file the corresponding joint letter and proposed case management plan in this action, currently scheduled for January 15, 2025, be adjourned to February 14, 2025, or a date one week before any adjourned date for the Initial Pretrial Conference.

The parties seek to adjourn these deadlines because Defendants' counsel plans to file imminently a motion to stay the proceedings in this action in light of parallel criminal proceedings filed by the Office of the District Attorney of New York County against Kushner. *See People of the State of New York v. David Kushner*, Case # IND-75099-24/001 (N.Y. Sup. Ct., New York County). The Commission does not intend to oppose Defendants' anticipated stay motion under the circumstances.

No previous requests for adjournment have been made in this case. If the Court grants the parties' requests for adjournment above, the Commission also consents to extending the date by which Defendants must answer or otherwise move in response to the Complaint—currently February 2, 2025—to March 4, 2025.

Hon. Lorna G. Schofield

January 13, 2025

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For the forgoing reasons, the parties respectfully request that the Court (1) adjourn the Initial Pretrial Conference from January 22, 2025, to February 21, 2025, or a later date convenient to the Court and (2) adjourn the corresponding deadline to file the joint letter and proposed case management plan from January 15, 2025, to February 14, 2025, or one week before any adjourned date for the Initial Pretrial Conference.

Respectfully Submitted,

/s/ Russell J. Feldman

Russell J. Feldman

Trial Counsel

*Attorney for Plaintiff Securities and
Exchange Commission*

cc: Harlan Protass, counsel for Defendants (by ECF)